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Summary record of the 1332nd meeting
Held at the Palais Wilson, Geneva, on Wednesday, 29 July 2015, at 10 a.m.

Chairperson: Mr. Grossman

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Initial report of Iraq (CAT/C/IRQ/1)

1. *At the invitation of the Chairperson, the delegation of Iraq took places at the Committee table.*

2. **Mr. Al-Janabi** (Iraq), introducing the members of his delegation, said that representatives of the Supreme Judicial Council, the Secretariat of the Council of Ministers, and the Ministries of Defence, the Interior, Health and Justice had hoped to attend the session but had been unable to do so for reasons beyond their control.

3. Following the fall of the dictatorial regime in 2003, a pluralistic political system had been created and a national structure to protect human rights had been put in place. Many new institutions had been established, including the Ministry of Human Rights and the Ministry of Women's Affairs. Human rights units had been incorporated into all State institutions and great progress had been made in consolidating human rights throughout the country. Other new human rights bodies included specialized parliamentary committees and the High Commission for Human Rights, as well as various transitional justice institutions such as the Martyrs Foundation and the Political Prisoners Foundation. At the judicial level, special courts had been set up to hear cases involving human rights, media and publications, family matters and domestic violence, and a human rights unit had been incorporated into the Office of the Public Prosecutor.

4. Human rights provisions enshrined in the Constitution had provided the basis for many new laws and Iraq had now acceded to a number of human rights treaties, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Convention had been ratified without reservation because torture was part of the historical memory of the Iraqi people, having been used systematically under the former regime.

5. The initial report of Iraq had been prepared by a number of State institutions in accordance with the guidelines on the form and content of initial reports, and had then been subjected to a lengthy review process. As part of that process the report had been published on the website of the Ministry of Human Rights, and civil society organizations, academics and others had been invited to comment. A broad-ranging consultative meeting had then been held to discuss the final text.

6. Under the Constitution, the authorities worked to apply the provisions of the international treaties to which Iraq was a party. However, those treaties could not be applied directly but needed to be incorporated into national law. The definition of torture in national legislation, specifically in the 1969 Penal Code, was not consistent with the Convention. A committee had been formed and a series of meetings with international organizations organized with the aim of drafting a new law on torture with wording which reflected the Convention, drawing also on the Committee's general comments and the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

7. At the invitation of the authorities, a number of mandate holders had visited Iraq, including the Special Rapporteur on the question of torture, the Representative of the Secretary-General on internally displaced persons, the Special Representative of the Secretary-General for children and armed conflict, and the Working Group on mercenaries.

8. A national human rights centre set up by the Ministry of Human Rights had incorporated the Convention into its educational and awareness-raising activities, including the training courses it held for law enforcement officials. Other similar initiatives included the creation of a human rights directorate in the Office of the Inspector-General and the provision of human rights materials in all training centres run by the Ministry of the Interior.

9. Part of the programme of the democratically elected Government formed in September 2014 was to promote human rights throughout the country. However, like all Government programmes since the fall of the dictatorship, it faced many challenges, including that posed by terrorist groups which had attacked towns all over the country leaving thousands dead and injured, creating massive internal displacement and destroying infrastructure. In particular, the group known as the Islamic State of Iraq and the Levant (ISIL) had used ferocious violence to take control of cities in a number of governorates and had been responsible for massacres, the enslavement of women and children, forced displacement and many other crimes against humanity, as the Human Rights Council had stated in its special session on the situation in Iraq held in September 2014.

10. The fact that Iraq was in the front line of the struggle against the growing phenomenon of terrorism meant that the Government had been unable to fully implement its programme in the field of human rights. The delegation was confident that the Committee would understand the challenges Iraq was facing in its implementation of the Convention and evaluate the country accordingly.

11. **Mr. Zebari** (Iraq) said that the Kurdistan Regional Government, which he represented, welcomed the accession of Iraq to the Convention and considered it an important step forward. The Kurdistan region was facing considerable challenges as it was currently home to more than 1.5 million Iraqi displaced persons and 250,000 Syrian refugees. At the same time, over 1,200 Peshmerga fighters had lost their lives and over 5,000 had been wounded in the struggle against ISIL.

12. Respect for human rights and the prevention of torture were among the most important indicators of a country's standing. The Kurdistan Regional Government considered any form of torture an offence against human rights and freedoms, and remained committed to defending the dignity of all persons, in accordance with a principle consecrated by the United Nations.

13. Under the legislation of the Kurdistan region, the Ministry of the Interior and the security forces in that region could not arrest or detain anyone except with the approval of the competent courts, and law enforcement officials were prohibited from using torture against suspects, accused persons or detainees. Mechanisms existed for persons who had suffered torture to lodge complaints with the authorities, and commissions had been created to follow up on those complaints. If allegations of torture were proven to be true, legal action would be taken against those responsible.

14. The Ministry of the Interior in the Kurdistan region was continuing to facilitate visits to places of detention by United Nations agencies and NGOs in order to ascertain that persons held there were being properly treated. Following the visits, those bodies had issued reports making recommendations to the Kurdistan Regional Government and praising its efforts in that field.

15. **Mr. Bruni** (Country Rapporteur) asked the delegation to explain what the Iraqi authorities intended to do to make the definition of torture in national law compatible with the definition contained in the Convention. The head of delegation had mentioned workshops to examine the issue but it was vital to take some legislative initiative.

16. He wished to know how members of the Supreme Judicial Council were appointed or elected, particularly in view of the fact that one of the Council's functions was to investigate allegations of professional misconduct by judges and other senior officials, and to take appropriate disciplinary measures against them including dismissal. He asked for instances in which judges who had failed to respond appropriately to allegations of torture had in fact been dismissed. He was concerned at reports from the United Nations Assistance Mission for Iraq (UNAMI) that many allegations of torture made by defendants during trial went uninvestigated.

17. He asked the delegation to comment on reports the Committee had received criticizing certain aspects of the Iraqi judicial system, including the practice of convicting defendants on the basis of testimony by secret informers or confessions extracted under torture, and the broadcasting of trials of alleged terrorists in order to publicize their crimes, thereby breaching the presumption of innocence. He also wished to know how administrative oversight was exercised over the members of the Federal Court of Cassation.

18. He sought more information about the use of the death penalty in Iraq as, according to sources, the country had one of the highest execution rates in the world. Violations of due process and the right to a fair trial had been reported, and the death penalty was applied to a broad range of offences, not all of which could be considered as being among the most serious. Was the Ministry of Human Rights reviewing the application of the death penalty, as the representative of Iraq had stated during the universal periodic review (UPR) of November 2014? And were the Iraqi authorities considering a moratorium on its use? He also wished to know whether the Government intended to make the declaration under article 22 of the Convention and to ratify the Optional Protocol.

19. Under the Convention, States parties were required to take effective preventive measures against torture before addressing the issue of investigations into allegations of torture. In that context, he wished to know whether persons arrested were immediately notified of the reasons for the arrest in a language they could understand, whether the arrest was duly recorded in a register available to all concerned, whether arrested persons could inform family members or persons of their choice, and whether they had the right to be assisted by a lawyer before being questioned by an investigating judge.

20. The situation described in the initial report, whereby information concerning persons deprived of liberty was "provided directly or through special inspection boards", was unsatisfactory. It was important that persons deprived of liberty should be able to communicate directly with family members and lawyers. Furthermore, the report made no mention of the mandatory presence of a lawyer during initial questioning by the police, although that would be an effective measure to combat mistreatment, especially in the case of persons accused of terrorism.

21. According to a UNAMI report, detainees were denied their right to a medical examination upon arrest, or to be examined by a doctor of their choice at their own expense. Why were those rights being denied?

22. Independent sources reported that thousands of people were being held in secret detention without charge or prosecution for many years, and that the criminal justice system subjected women to abuses during arrest, interrogation, trial and imprisonment. The response of officials to the allegations was that they were still in transit from a dictatorship. What measures were in place to combat security force abuses? And were there specific examples of cases where public officials had been punished for such abuses?

23. There were more than 45,000 inmates, while the official capacity of the Iraqi prison system was just over 20,000. What steps had been taken to reduce prison overcrowding? What was the maximum duration of solitary confinement and for what type of offences could it be imposed? He asked the delegation to comment on claims by the High Commission for Human Rights that prior permission from the authorities to visit places of detention was always required, meaning that the Commission could not make unannounced visits, which was clearly against its mandate. He also wished to know how the political and financial independence of the Commission was guaranteed by the Government, whether its reports on visits to places of detention were made public, and whether the delegation could give specific examples of the implementation of the Commission's recommendations.

24. Despite the head of delegation's statement that torture had been officially renounced, non-governmental and governmental sources reported the continued widespread practice of torture in prisons and detention centres. The Ministry of Human Rights had admitted that there had been 600 allegations of torture in 2012, and the High Commission for Human Rights had reported 567 allegations in 2014. Had those allegations been investigated, prosecutions brought, punishments imposed and compensation provided to victims? Furthermore, Government representatives attending the UPR in November 2014 had referred to over 516 torture cases investigated between 2008 and 2014. Which State agencies had been found responsible for the acts of torture, how many investigations had resulted in prosecutions, and what penalties had been imposed on those found guilty? It would also be useful to know what measures had been taken to bring all detention facilities under the exclusive authority of the Ministry of Justice.

25. The Ministry of Human Rights had reported that the number of deaths in custody for 2008-2011 had been 237, including 16 where torture had been considered a possible cause of death. How many deaths in custody had been recorded since Iraq's ratification of the Convention in July 2011? He requested specific examples of investigations into cases where torture as the possible cause of death had not been excluded.

26. He highlighted some concerns relating to article 3 of the Convention. It appeared from legislation on the residence of foreigners that the executive, and the border governorates in particular, had the right to expel persons who had entered Iraq illegally. He wondered whether such persons had access to an appeals procedure. Did the judicial authorities deal specifically with cases of persons in danger of being tortured if deported and, if so, what criteria were used to assess whether the risk to the person concerned was personal, present and probable? He requested examples of persons not expelled from Iraq because they had been considered to be in danger of being tortured in the country of return.

27. Another concern related to the situation of the 2,700 former residents of Camp Ashraf who had been transferred to the Hurriya Temporary Transit Location. Did the Iraqi authorities strictly respect the non-refoulement principle with regard to the Camp Hurriya residents, and had they complied with the call of the Office of the United Nations High Commissioner for Refugees to take all possible measures to ensure the safety and well-being of the residents, including access to life-saving medical treatment? He asked whether Iraq intended to accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and to adopt a national refugee law consistent with international human rights law.

28. **Ms. Belmir** (Country Rapporteur) said that human rights training for public officials was not part of a coherent, comprehensive strategy. Staff were dispersed over different ministries and departments, meaning that police, judges, medical personnel and other officials might not be well informed about the Convention, as some might be

trained and others not. As a result of the lack of proper training and the dispersal of efforts, many individuals subjected to arrest, detention or imprisonment were not receiving the treatment prescribed in articles 11 to 16 of the Convention. She called on the State party to make every effort to resolve those issues.

29. She asked the delegation to comment on the veracity of the following independent reports: that ill-treatment and torture were still widespread, including in detention centres supervised by the Ministry of the Interior and the Ministry of Defence; that thousands of persons were held without charge for many years awaiting trial and without access to a lawyer; that confessions were extracted under torture; that detainees were subjected to humiliating and undignified treatment and denied the right to a fair trial; that complaints were filed, but there were lengthy delays in dealing with them, or they were not processed at all; and that police corruption was widespread. Furthermore, there were claims that other Middle Eastern States were resorting to the above-mentioned practices in Iraq. The State party must develop measures to address those issues. Again, the dispersal of responsibilities did not contribute to developing the rule of law in Iraq, and she suggested that one ministry should be placed in overall charge.

30. There were no independent mechanisms in place to investigate allegations of torture, and the outcomes of investigations were not made public, meaning that impunity reigned. It was a cause for concern that detainees had no access to a lawyer during preliminary investigations, there was no real oversight by public prosecutors of investigations or trials, no video recording of proceedings, and investigations in police stations took place in secret. Detainees often did not lodge complaints for fear of reprisals, and few complaints of ill-treatment or torture were taken seriously.

31. She sought more information on claims from numerous sources that anti-terrorism laws introduced after 2003 that allowed the imposition of the death penalty had allegedly been used in some cases to carry out revenge killings. Trials were reportedly held by a special tribunal lasting no more than a few minutes, followed by almost immediate executions. She called on Iraq to take action to eliminate any form of revenge in the judicial system.

32. Iraqi women appeared to be paying the highest price in the country's difficult circumstances, with professional women being targeted and arrested, abducted, detained, ill-treated, raped and subjected to other atrocities by the Government and its allies, and ISIL. They were unable to exercise their right to complain for fear of reprisals from both their families and society. The Government should take all necessary steps to ensure that the complaints system operated properly, inter alia by reviewing existing legislation in order to oblige public prosecutors to visit detention centres at least once a month.

33. She noted that Iraq was currently reviewing its Constitution and other legislation, and hoped that provisions would be amended or introduced to provide redress, compensation and rehabilitation for persons ill-treated or tortured, in accordance with article 14 of the Convention. She welcomed the establishment of the transitional justice institutions, as transitional justice helped pave the way for national reconciliation. What categories of persons would appear before those institutions and what period would they cover?

34. All sources of information reported cases where persons were convicted solely on the basis of their confessions and where the death penalty was subsequently imposed. The pleas of detainees were rarely taken into consideration in such cases, and she cited the case of four persons who had been tried for taking part in anti-government demonstrations. An international NGO had videotaped the trial, showing one of the accused protesting before television cameras that he had not been at the

demonstration. In spite of that evidence, he had been sentenced to death. Could the State party review cases brought to trial and sentences handed down on the basis of confessions extracted under ill-treatment and torture?

35. Turning to article 16, she drew attention to the problems of prison overcrowding, the spread of disease, the lack of food and drinking water in prisons and police stations, the difficult conditions in which detainees were held, and the humiliation to which they were subjected in order to force them to confess.

36. The State party had formed an alliance with the popular Al-Hashd al-Sha'bi movement in its bid to liberate certain areas of Iraq, but the Prime Minister, Mr. Haider Al-Abadi, had recently accused the movement of committing crimes. Allies working with a State must abide by the rule of law and must not stoop to using the same methods as ISIL.

37. Women who had been rescued from captivity under ISIL, where they had been sold and subjected to rape and forced marriage, required special assistance to readapt once they returned to Iraq, yet an NGO had reported that the State had offered no support in housing the women on their return. It was the duty of the State to look after its nationals as part of the process of transitional justice and to help them to recover their dignity.

38. **Mr. Modvig** said that to be examined by a doctor was a basic right for a detainee who, being deprived of his freedom, could not seek medical treatment of his own accord. In cases of torture or ill-treatment, the right to see a doctor was also an opportunity to ensure that injuries inflicted by the authorities were documented and treated at an early stage, before the evidence disappeared. An early medical report, in the hands of a detainee and his lawyer, could make the difference in substantiating a case of torture. In paragraph 24 of its report, the State party referred to the medical examination of alleged victims after their conviction and transfer to prison and, if traces of torture were found, their referral to the Department of Forensic Medicine for further examination. Access to a doctor therefore took place at a late stage, when some or all of the evidence of torture might have disappeared. He requested the Iraqi authorities to take action as a matter of urgency to implement the important preventive measures that would ensure that the right to be examined by a doctor was available at the time of arrest for all detainees. He wished to know whether a detainee would not be referred to the Department of Forensic Medicine unless traces of torture were found; if so, he recommended that the State party should take note of the statement in the Istanbul Protocol that the absence of physical signs did not prove that torture had not taken place.

39. The right to see a doctor included the right to undergo an independent examination that was not influenced by the police or prison authorities. He wished to know what were the administrative reporting lines for doctors in the State party and whether doctors were supervised by the Ministry of Health or by the criminal justice authority. He asked how many doctors were available to make such examinations of detainees and whether they received training on the use of the Istanbul Protocol and the forensic documentation of torture. He asked the State party to provide statistics showing: how many detainees had alleged torture; how many examinations had been carried out by doctors; and in how many cases there had been traces of torture and hence a referral to the Department of Forensic Medicine.

40. **Mr. Domah** welcomed the delegation, although he feared that it was somewhat depleted. It was usual to hear directly from the heads of prisons, the police, the executive and also the judiciary, since the Committee would examine not only existing laws but their interpretation by the courts. However, the material presented was

sufficient to enable the Committee to engage in an interactive dialogue with the delegation.

41. As noted by Ms. Belmir, the current Administration had avoided repeating the abuses of its predecessors; there should be no impression given that the situation would continue as before. He echoed Ms. Belmir's remarks that there should be a focus on transitional justice and that previous injustices should not be prolonged. The Committee was concerned at the disparities between the legislation in force and the effects of its enforcement at the grass-roots level. Was the State protecting its citizens or were they becoming victims of the State? Mr. Bruni had given many examples indicating where the application of the law in Iraq betrayed the content of the law and the rule of law.

42. He was concerned about the relationship between the law on terrorism and the law on human rights. The prohibition of torture was absolute and universal, but laws on terrorism could be used by States to negate human rights. He wished to know how far the laws against terrorism in the State party had inbuilt guarantees on human rights and how far the enforcement of those laws negated human rights.

43. There was a serious omission in training if judges had not been trained to recognize a prima facie case of torture, with or without a medical certificate and with or without traces. Furthermore, the criminal law was unduly based on confession. He asked what was being done to ensure that the criminal justice system relied on independent scientific evidence rather than the words of the accused.

44. **Mr. Tugushi** said he understood that the Government faced numerous challenges and shortcomings in its administration of the country, and he appreciated the Government's commitment to the protection of fundamental rights and freedoms.

45. He wished to raise serious concerns about the treatment of women in the Iraqi justice system: the Committee had seen numerous reports of ill-treatment, and evidence of torture had been documented by the International Committee of the Red Cross, journalists and international human rights organizations. There had been many illegal arrests and violations of due process at every stage of the justice system, including threats, beatings and sexual assault. Serious cases of torture had remained uninvestigated: there had been thousands of cases of torture, yet the Ministry of Defence, the Ministry of the Interior and the Public Prosecutor's Office were unable to provide statistics showing that any public or law enforcement officials had been prosecuted for involvement in acts of torture.

46. A very large number of women had been imprisoned; there had been numerous reports that they were obliged to sign fingerprint confessions or blank papers. Only a few tortured women had been visited in prison and they had displayed serious injuries, evidenced by scars, burns and a fractured nose. According to statistics from the Office of the Prime Minister, around 4,200 Sunni women had been detained under anti-terrorism legislation because of their association with a particular individual, tribe or sect.

47. Women were forced to provide information about family members and neighbours who were allegedly involved in terrorist activities. Reports indicated that most convictions were based on forced confessions and secret testimony. Women in Iraq had little or no access to adequate defence either because they could not afford it or because lawyers were fearful of taking on politically sensitive cases. They were frequently detained for months or years before being brought before a judge or brought to trial, although Iraqi laws prohibited arbitrary arrest and detention and embodied the right to counsel. He would have difficulty in formulating a recommendation since it seemed that the entire criminal justice system was not

functioning; it was not used to defend human rights but to violate them. He found the situation of women to be particularly alarming.

48. **Mr. Zhang** Kening said that, although laws in Iraq were compatible with article 15 of the Convention, which prohibited the use of statements made as a result of torture in proceedings, reports had been received of detainees who complained that they had been convicted as a result of forced confessions obtained through threats or torture. Preliminary investigations in detention centres were dependent on confessions alone and no real efforts were made to support them with material evidence. Defendants whose innocence had been proven were not promptly released, but were forced to go through lengthy procedures, including the payment of large sums of money. There were no provisions in Iraqi legislation that explicitly placed the burden of proof on the prosecution to demonstrate that confessions used in court had not been obtained under torture; in practice, the burden of proof seemed to fall on the alleged victims of torture. Defendants who alleged that they had been coerced into confessing a crime while in pretrial detention faced numerous obstacles in providing proof; medical examinations, if carried out at all, were performed months after the evidence of torture was likely to have disappeared.

49. Courts tended to give greater weight to the denials of security force interrogators than to the unsupported allegations of defendants. Detainees undergoing interrogations were usually held incommunicado and the only witnesses to their torture were other detainees, who might still be detained when the defendant went to trial or, if released, might be reluctant to give evidence for fear of rearrest. Many defendants had been convicted of terrorism or other serious offences wholly on the basis of pretrial confessions, which they had repudiated once they had appeared at trial. He supported Ms. Belmir's remarks concerning the use of evidence of torture and Mr. Modvig's remarks concerning the failure of medical examinations to establish torture. He asked the delegation to comment on the application of article 15 under Iraqi legislation.

50. **Ms. Gaer** welcomed the efforts by the Government to establish national and non-governmental human rights institutions. She wished to know whether any information, such as statistics and examples of individual cases of concern, had been included in the State party's report as a result of consultation with NGOs.

51. Referring to paragraph 20 of the report, she asked how many persons had been convicted under article 333 of the Penal Code (Act No. 111 of 1969), which prohibited torture or the ordering of torture by a public official or agent. Turning to paragraph 21 of the report, she asked how many cases had been excluded as a result of "confessions extracted under torture or coercion", which would have no legal value under the Code of Criminal Procedure. With respect to paragraph 72, she wished to know whether any investigations or prosecutions had been initiated under article 19 of the current Constitution, which contained important provisions to prevent secret detention. She asked what had been the results of the investigations of alleged torture and ill-treatment announced by the former Minister of the Interior, Mr. Baqir Jabr al-Zubeidi, following the discovery in 2005 of a secret detention facility housing 169 prisoners.

52. She noted from the summary record of the meeting at which the delegation of Iraq had appeared before the Committee on the Rights of the Child (CRC/C/SR.1958, para. 44) that if a rapist married his victim, he would be exempt from prosecution. It was thus uncertain that society was prepared to protect victims of rape until cultural perceptions had been changed "in order to create awareness that rape was a serious crime". She wished to know whether the Government was committed to legal change regarding the issue of impunity in relation to rape and honour crimes.

53. Taking up the point raised by fellow Committee members concerning the provision of shelters for women returning to Iraq, she asked whether there was a law

protecting private shelters since she had seen reports that those facilities had been subjected to threats and intimidation by the police. She noted that the delegation of Iraq had told the Committee on the Rights of the Child that "not a single call" had been received by a hotline set up for victims of illegal marriages (CRC/C/SR.1960, para. 23).

54. Referring to the rights of LGBT persons, she noted that a number of offences against persons of diverse sexual orientation had been documented over the past decade and that a police chief, Colonel Mushtaq Taleb al-Mahemdawi, had been quoted in a statement published on the website of the Ministry of the Interior calling for the elimination of LGBT persons. In fact, he had expressed support for the murder, torture and abuse of such persons. She would like to know the Government position on the situation of LGBT persons and, in particular, on the views of the police chief. She asked whether there had been any prosecutions in the cases of the 56 LGBT persons murdered by militias and what the LGBT commission established by the Government had achieved to date.

55. The State party had established a Human Rights Court, but no full-time judge had been appointed to it. She asked what support and funding were provided to that Court by the central Government. The independence of the national human rights institution had been questioned. She wished to know whether investigations concerning police conduct were still carried out by the Ministry of the Interior; in other words, were the police still investigated by the police?

56. **Mr. Gaye**, noting with surprise that article 333 of the Penal Code did not specify any penalty, asked what minimum and maximum punishment a public official found guilty of torture might incur and how the law was implemented when such crucial elements were missing. He expressed concern about compliance with article 12 of the Convention in the light of the preconditions for determining whether or not torture had taken place, as listed in paragraph 24 of the report. He wished to know whether there was any domestic law that specifically criminalized cruel, inhuman or degrading treatment or punishment.

57. He was not in the least convinced by the State party's argument that the provisions of Act No. 118 of 1978 and Act No. 51 of 1971 guaranteed that foreigners could not be returned to countries where they faced a risk of torture. The fact that torture was not included in the list of offences over which Iraq had universal jurisdiction was a significant failing. He requested clarification as to whether victims of torture could apply for compensation to the civil and criminal courts alike.

58. **The Chairperson**, recalling that the dialogue was an opportunity for the Committee to better understand the situation in the State party, said that the Committee was well aware of the current difficult circumstances. Nevertheless, experience had shown that allowing judges too much discretion tended not to yield the best results; therefore, the State party should adopt a more comprehensive and detailed definition of torture, including the provision that no exceptional circumstances whatsoever might be invoked as a justification of torture. Referring to reports that medical examinations following allegations of torture often took place months after the alleged torture, he said that action should be taken immediately in such cases and doctors should be trained in the Istanbul Protocol. Stressing that the fine and 1-year imprisonment for ill-treatment by a public official were inadequate, he asked whether anyone had been imprisoned for torture and whether any compensation had been awarded to victims. He requested further information on the punishment of prisoners through restriction of their diet and recalled that the Special Rapporteur on the question of torture had stated that solitary confinement could constitute a form of torture.

59. He invited the delegation to comment on the following reports by NGOs: that persons were held for considerable lengths of time before being brought before a judge and were tortured in the interim; that many suspects were held indefinitely without being permitted to contact their family or a lawyer; that even where there was evidence of torture, no charges were laid; that victims of torture were denied access to the medical reports documenting their injuries; that secret detention facilities were being operated, notably at an airport in West Baghdad run by the military; that traffickers used prisons to recruit women for the purpose of prostitution; and that no one had been prosecuted on trafficking charges in 2013. He enquired about the status of investigations into the cases of Samir Naji 'Awda al-Bilawi and Hussein Hama Ali Tawfiq.

The meeting was suspended at 12.20 p.m. and resumed at 12.35 p.m.

60. **Mr. Al-Janabi** (Iraq) said that, the delegation's goal being to respond as fully and accurately as possible to the Committee's concerns, it would prefer to hear more questions and postpone its replies until the next meeting, when it would have had time to consult the relevant departments in Baghdad.

61. **Mr. Bruni**, referring to article 333 of the Penal Code, asked how judges could establish that an offence had been committed when the acts were not defined under the law. Quoting paragraph 85 of the initial report, he requested additional information on complaints of torture, in particular how they had been handled by the competent authorities and what investigations, prosecutions and penalties had ensued. Recalling the State's duty to protect persons under its jurisdiction and ensure accountability for crimes committed anywhere on its territory, regardless of the status of the alleged offender, he wondered whether Iraq was in a position to do so, given the current climate of violence that involved not only ISIL but also security forces, affiliated armed groups and militias.

62. **Ms. Belmir** said that the justice system ought to act as a barrier against human rights violations and the erosion of the rule of law; however, in Iraq, the justice system was being prevented from fulfilling that function and judicial officials were being threatened. Moreover, the special courts set up in response to the violence infringed fundamental safeguards. While laws were in place, their enforcement often ran counter to their purpose. It was crucial to overhaul the justice system, including through the appropriate training of a larger number of lawyers and judges, in order to rebuild the population's trust.

The meeting rose at 12.50 p.m.